

HOUSE No. 161

By Mr. Walsh of Boston, petition of Martin J. Walsh and Brian P. Wallace relative to disability retirement benefits of certain public employees. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO DISABILITY RETIREMENT BENEFITS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law or
2 rule or regulation to the contrary, any member of a system, as
3 defined under section 1 of chapter 32 of the General Laws, that
4 has accepted the provisions of this act, who retired under section 7
5 of said chapter 32 prior to November 7, 1996 who had elected to
6 have his retirement allowance paid in accordance with the terms
7 of option (b) of subdivision (2) of section 12 of said chapter 32 or,
8 if said retiree is deceased, his beneficiary named in accordance
9 with said option (b) of said subdivision (2) may make a new elec-
10 tion to have said retirement allowance paid to the same benefi-
11 ciary in accordance with the terms of option (c) of said
12 subdivision (2); provided, however, that said retiree or beneficiary
13 shall repay into the appropriate retirement system, on such terms
14 as the retirement board of said system deems appropriate, but in
15 no case shall said repayment be required to be paid in full in less
16 than one year, an amount equal to the difference between the
17 retirement allowance that said retiree and beneficiary actually
18 received and said allowance that said retiree and beneficiary
19 would have received had said allowance been paid in accordance
20 with the terms of said option (c), plus regular interest as defined
21 in section 1 of said chapter 32; and provided further, that such
22 election shall be filed not more than 180 days following the notifi-
23 cation of said retiree or beneficiary by the appropriate retirement

24 system having accepted the provisions of this act; and provided,
25 further, that any beneficiary so named pursuant to the provisions
26 of this act shall be ineligible to receive benefits pursuant to the
27 provisions of section 101 of said chapter 32.

28 For any such retiree who is married, a new election made pur-
29 suant to the provisions of this act shall not be valid unless it is
30 accompanied by the signature of the retiree's spouse indicating the
31 retiree's spouse's knowledge and understanding of the terms of
32 said option (c). The retirement board shall provide the retiree and
33 spouse with detailed information regarding said option (c) in order
34 for the retiree and spouse to make an informed decision regarding
35 said option. If any retiree who is married files an election pursuant
36 to the provisions of this act which is not so accompanied, the
37 board shall within 15 days notify the retiree's spouse by registered
38 mail of the option (c) election and of the spouse's right to sign and
39 return an acknowledgment of receipt and understanding of such
40 information within 30 days after receipt of the acknowledgment.
41 Such election shall not take effect until it is accompanied by the
42 signature of the retiree's spouse; provided, however, that no such
43 signature shall be required if the spouse fails to submit such
44 signed acknowledgment on or before the thirtieth day from receipt
45 of the information from the retirement board. Such election made
46 prior to the spousal notification may be changed in accordance
47 with the spouses understanding of said option (c). Nothing in this
48 act shall be deemed to affect the effective date of any retirement
49 allowance. The provisions of this paragraph shall not apply in the
50 case of a member who is divorced and who has previously filed
51 with the retirement board a domestic relations order which has
52 been entered by the probate court and provides for the option to be
53 elected by the member.

1 SECTION 2. Any system may accept the provisions of
2 section 2 by majority vote of the board of each such system, sub-
3 ject to the approval of the legislative body. For purposes of this
4 paragraph, "legislative body" shall mean a town meeting in a
5 town, the city council in a city, the county retirement board advi-
6 sory council in a county, and the district members in a district.
7 Acceptance shall be deemed to have occurred upon the filing of a
8 certification of such votes with the commission. The state

9 employees' and state teachers' retirement systems shall be
10 deemed to have accepted the provisions of this act.